DOCUMENT RESUME

ED 301 514 SO 019 490

TITLE William Livingston: Soldier-Statesmen of the Constitution. A Bicentennial Series No. 17.
INSTITUTION Army Center of Military History, Washington, D.C.
REPORT NO CMH-Pub-71-17
PUB DATE 87
NOTE 9p.; For other documents in this series, see ED 300 319-334 and SO 019 486-492.
PUB TYPE Historical Materials (060)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Biographies; Colonial History (United States); *Military Service; *Public Service; *Revolutionary War (United States)
IDENTIFIERS Bicentennial; *Livingston (William); New Jersey; *Signers of the United States Constitution; State Governors; United States Constitution

ABSTRACT

An accomplished man of letters, linguist, agronomist, and lawyer, William Livingston was also a notable man of action, and the many facets of his personality combined to form a complex public figure who stood at the forefront of those fighting for independence and the creation of a strong national government. This booklet on Livingston is one in a series on Revolutionary War soldiers who signed the U.S. Constitution. It covers his education and legal career, his military service, and his public service to New Jersey as governor and as a delegate to the Constitutional Convention. Personal data about Livingston and suggestions for further readings are also included. (DJC)

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William Livingston

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Soldier-Statesmen of the Constitution
A Bicentennial Series
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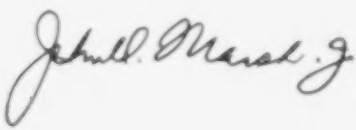
Introduction

In September 1987 the United States commemorates the bicentennial of the signing of the Constitution. Twenty-two of the thirty-nine signers of the Constitution were veterans of the Revolutionary War. Their experiences in that conflict made them deeply conscious of the need for a strong central government that would prevail against its enemies, yet one that would safeguard the individual liberties and the republican form of government for which they had fought. Their solution is enshrined in the Constitution. The President of the United States is the Commander in Chief of the nation's military forces. But it is the Congress that has the power to raise and support those forces, and to declare war. The Founding Fathers established for all time the precedent that the military, subordinated to the Congress, would remain the servant of the Republic. That concept is the underpinning of the American military officer. These twenty-two men were patriots and leaders in every sense of the word: they fought the war, they signed the Constitution, and they forged the new government. They all went on to careers of distinguished public service in the new Republic. Their accomplishments should not be forgotten by those who enjoy the fruits of their labors. Nor should we forget the fortieth man whose name appears on the Constitution. The Secretary was the twenty-third Revolutionary veteran in the Convention, who continued his service to the nation as one of its first civil servants.

This pamphlet was prepared by the U.S. Army Center of Military History with the hope that it will provide you with the background of a great American; stimulate you to learn more about him; and help you enjoy and appreciate the bicentennial.



John O. Marsh, Jr.
Secretary of the Army

WILLIAM LIVINGSTON
New Jersey

William Livingston, who represented New Jersey at the Constitutional Convention, was one of the new nation's authentic renaissance figures. An accomplished man of letters, linguist, agronomist, and charter member of the American Philosophical Society, he was also a notable man of action, as attorney, soldier, and state governor. The many facets of his personality combined to form a complex public figure who stood at the forefront of those fighting for independence and the creation of a strong national government. His was not a career eagerly sought. In fact, Livingston sincerely desired the quiet life of a country gentleman, but his exceptional organizational skills and dedication to popular causes repeatedly thrust him into the hurly-burly of politics.

The strong sense of public service that animated his long career also led him to champion the rights of the common man. For Livingston, freedom of religion and freedom of the press, for example, were no idle speculations, but rather living causes to which he devoted his considerable legal and literary talents. His experiences during the Revolutionary War, both as soldier and as governor of New Jersey, convinced him that weak government and unchecked local interests posed a threat to citizens equal to that endured under the Crown. An ardent republican, he considered the new Constitution an ideal instrument for guaranteeing that the rights of the individual and the aspirations of the nation would exist together in harmony under a rule of law.

THE PATRIOT

The Livingstons stood at the pinnacle of colonial New York society, controlling a vast estate along the Hudson River near Albany. Their wealth and an interlocking series of marriages with other major families gave them great political and economic influence in the colony. William Livingston received his primary education in local schools and from private tutors, but his horizons were considerably expanded at the age of fourteen when his family sent him to live for a year with a missionary among the Iroquois Indians in the wilds of the Mohawk Valley. In 1738 he enrolled at Yale College, where he developed a lifelong interest in political satire.

Graduating in 1741, Livingston resisted pressure to enter the family fur business and moved to New York City to study law. He clerked under James Alexander and William Smith, both champions of civil rights and among the best legal minds of the day. In 1748 Livingston was admitted to the bar and opened a practice in the city, a year after marrying the daughter of a wealthy New Jersey landowner. The couple became a glittering fixture in the city's

social whirl, but Livingston still found time to pursue his interest in art, languages, and poetry.

The young attorney quickly achieved prominence in the colony's legal circles. His progressive views on legal matters led naturally to a political career. In 1752 he launched the *Independent Reflector*, a weekly newspaper which, like his law practice, allied him with critics of the political *status quo*. Through the publication of essays and satiric pieces, he developed a consistent position on important local and national issues. He forcefully argued, for example, that King's College (now Columbia University) should be non-sectarian, with its trustees and faculty free from any religious or political tests. His reasoned appeals for a separation of church and state attracted many allies.

Such activities led to Livingston's election to the New York legislature, where his attention turned increasingly to what he considered the mother country's interference with the political and economic rights of her American subjects. Through incessant criticism of the entrenched political elite, he sought to promote an alliance between powerful, more progressive landowners and the tradesmen and mechanics of the city. But Livingston still believed that control over public affairs was best exercised by men of property and education, and he was concerned about the growing intensity of popular uprisings against Parliament's increased efforts to control the colonies. When his efforts to moderate the activities of the "Sons of Liberty" and other radical groups in New York failed in 1769, he and his allies lost control of the legislature. Out of political favor and burdened with raising a large family, Livingston retired from politics to pursue the life of a gentleman farmer.

Livingston turned his considerable energies to creating an estate near Elizabeth Town (now Elizabeth), New Jersey. He constructed elaborate plans to turn "Liberty Hall," as he called his new home, into a showpiece of modern scientific agriculture. But this pleasant bucolic existence proved short-lived. When relations between the colonies and Great Britain collapsed in 1774, Livingston's new neighbors promptly elected him to Essex County's Committee of Correspondence. He also joined New Jersey's delegation in the Continental Congress, where his legal and literary abilities made him an effective shaper of public opinion. In a particularly crucial moment in the fortunes of the Patriot cause, he won popular support for the declarations and decisions of these revolutionary bodies.

THE SOLDIER

Livingston brought to the Revolution—in his capacity as both militia officer and state governor—the same boundless energy that characterized his earlier career as lawyer and Patriot politician. When New Jersey began organizing its defenses in late 1775, he joined the militia as brigadier general, the state's ranking officer. Livingston, however, insisted that the first regiments raised

Oil, by John Wollaston (ca. 1750), courtesy of Fraunces Tavern Museum, New York City.

for Washington's Continental Army be commanded by more experienced men, while he concentrated on the less glamorous tasks of raising, organizing, and training the state's citizen-soldiers. These efforts contributed significantly to the later combat effectiveness of New Jersey's units.

On the eve of independence, Livingston left his seat in the Continental Congress to assume full-time military duties. When a massive build-up of British ships and troops in New York harbor indicated that a major invasion was imminent, Congress called on the states to reinforce Washington's outnumbered continentals. Livingston took to the field with New Jersey's militia contingent to secure the state's northern shoreline against any sudden enemy landing, break communication between the British and local Loyalists, and hunt for deserters. With the militia's headquarters located in nearby Elizabeth Town, General Livingston used his own beloved Liberty Hall as a barracks for some of his men.

Livingston's political gifts led to his assuming a wider role in the war. In August 1776 he resigned his military commission to become the first governor elected under the new state constitution. In his inaugural speech Livingston called on the people to show "a spirit of economy, industry and patriotism, and that public integrity and righteousness that cannot fail to exalt a nation, setting our faces like flint against that dissoluteness of manner and political corruptness that will ever be a reproach to any people." A delighted public immediately nicknamed the new governor "Doctor Flint."

Wartime governors, especially committed men like Livingston who enjoyed political longevity (he was annually reelected to the position until his death) and who had good relations with General Washington, provided a link between the Continental Congress and the states. In many respects they served as local administrators for the national government. Livingston proved especially effective in providing vital support for New Jersey's contingent of regulars. His cooperation in sustaining the Continental Army during the critical middle years of the Revolution was an important factor in its survival.

Governor Livingston did not shy from politically unpopular decisions. His insistence on treating those who remained loyal to the Crown with justice and moderation, for example, was resented by many Patriots. Actually his forbearance was quite remarkable, considering that his home was pillaged in 1776 and that a bounty was put on his head by the Loyalists. That bounty, and the widespread recognition of Livingston's importance to the war effort, led to a number of dangerous personal encounters. The most dramatic occurred in February 1779 when a thousand British troops, guided by local Tories, landed in the predawn darkness near Elizabeth Town to capture Livingston and surprise the continental brigade stationed nearby. Alert sentries detected the approaching British columns, and Livingston managed to escape just twenty minutes ahead of the enemy. Two of his daughters remained behind to mislead the British and hide official state papers. Confronted with a brigade of fully alerted continentals, the raiders quickly withdrew. Throughout these trying months Livingston's force of character prevented widespread public bitterness over constant enemy harassment from diluting the state's commitment to the cause of liberty.

THE STATESMAN

Governor Livingston's greatest contribution to the future republic may well have been his work with the state militia. Livingston saw militia membership as a right, not a duty. He also knew that an effective body of citizen-soldiers eliminated the need for a large standing army, thus keeping the military under the firm control of the civilian government. To that end, he sought to upgrade the quality of state forces, providing them with the best available equipment and training them according to the manuals issued by General von Steuben, Washington's drillmaster. "Our militia," he told von Steuben, "is composed of materials capable of being formed into as good Soldiers as any part of the World can produce; and disciplined upon your plan, would certainly constitute the best & most natural Defense of a republican state, against all hostile Invasion." His clear understanding of the different but equally important roles to be played by militia and regulars was translated through the new Constitution into the nation's laws.

Livingston's wartime experiences convinced him that the Articles of Confederation were inadequate to guide the new nation. In the postwar years he spoke out strongly and repeatedly for the need to grant greater powers to the central government. In 1787 he led his state's delegation to the Constitutional Convention at Philadelphia. Livingston supported the efforts of the assembled delegates to create a new and stronger government despite the likelihood that the result would prove unpopular in a small state like New Jersey that feared domination by its larger neighbors. He put his trust in the belief that reasonable and patriotic men could eventually create a compromise that would protect everyone's interests.

At first committed to the "New Jersey plan," that gave each state an equal voice in the new government, Livingston eventually accepted the "Great Compromise," whereby the rights of the states were protected in a Senate that gave equal weight to each while the rights of the majority were recognized in a House of Representatives that reflected the relative population of the states. His own greatest personal compromise came as chairman of the committee that handled the explosive issue of slavery. Bitterly opposed to slavery himself, Livingston nevertheless subordinated his own feelings and hammered out a compromise that assured the Constitution's acceptance by the slave states. He was convinced that the Constitution would make possible the political and legislative processes by which slavery in the longer term could be peacefully eradicated.

After the Convention, Livingston returned home to muster support for the critically important ratification vote. He led that battle, and was gratified by the speed with which his state registered its approval. In 1788, just two years before his death, his alma mater awarded him an honorary doctorate in recognition of his great service.

Livingston was, in the words of a contemporary, "a man of first rate talents, . . . equal to anything, from the extensiveness of his education and genius." In his case, he combined talent with the highest sense of public duty. By heritage an aristocrat, Livingston nevertheless fought with brilliance and selflessness for the rights of his fellow citizens. His career reached its culmination at the Constitutional Convention, where he helped translate the revolutionary idea that power should rest with the people into an enduring reality.

The Congress shall have Power . . .
To raise and support Armies . . . ;
To provide and maintain a Navy;
To provide for organizing, arming, and disciplining, the Militia . . . ;

ARTICLE I, Section 8.

Personal Data

BIRTH: 30 November 1723, at Albany, New York*
OCCUPATION: Lawyer
MILITARY SERVICE:
New Jersey Militia—2 years
Highest Rank—Brigadier General
PUBLIC SERVICE:
Continental Congress—3 years
Governor of New Jersey—14 years
DEATH: 25 July 1790, at Liberty Hall, Elizabeth Town, New Jersey
PLACE OF INTERMENT: Greenwood Cemetery, Brooklyn, New York

*In 1752 the English-speaking world adopted the Gregorian calendar, thereby adding 11 days to the date. Thus Livingston's date of birth was recorded in 1723 as 19 November.

Further Readings

The best biographies of Livingston are Dorothy Dillon, *The New York Triumvirate* (1949); Milton Klein, "The American Whig: William Livingston of New York" (Ph.D. Dissertation, 1954); E. B. Livingston, *The Livingstons of Livingston Manor* (1910); Carl Prince, *William Livingston, New Jersey's First Governor* (1975); and Theodore Sedgwick's older *A Memoir of the Life of William Livingston* (1833). However, additional details are contained in Milton Klein, "The Rise of the New York Bar," *William and Mary Quarterly*, 3d Ser., 15 (1958): 334–358; Margaret MacMillan, *The War Governors in the American Revolution* (1943); and Harold Thatcher, "The Political, Social and Economic Ideas of New Jersey's First Governor," *New Jersey Historical Society Proceedings*, 60 (1942): 81–98, 184–99, 225–38; 61 (1943): 31–46. Other books which shed light on the creation of the Constitution and the role of the military in the early history of the nation include Sol Bloom, *The Story of the Constitution* (1937); Catherine Bowen, *Miracle at Philadelphia* (1966); Edmund Burnett, *The Continental Congress* (1941); Alexander Hamilton, John Jay, and James Madison, *The Federalist Papers*; H. James Henderson, *Party Politics in the Continental Congress* (1974); Don Higginbotham, *The War of American Independence* (1971); Merrill Jensen, *Making of the Constitution* (1979); Richard Kohn, *Eagle and Sword* (1975); Clinton Rossiter, *1787: The Grand Convention* (1966); U.S. National Park Service, *Signers of the Constitution* (1976); and Gordon Wood, *The Creation of the American Republic* (1969).

Cover: *Scene of the Signing of the Constitution of the United States*, by Howard Chandler Christy, courtesy of the Architect of the Capitol.

CMH Pub 71-17